

REMARKS

Claims 1-20 are pending in this application, and subject to a Restriction Requirement under 35 USC § 121 between three sets of species.

By way of this paper, claims 5, 6, 12, and 15 have been amended to add CD44 and CD90 to the list of markers. The amendment is supported in the specification on page 13, lines 11 and 12.

Election of species

Applicant hereby elects the following species for examination on the merits:

- Between a first cell population has characteristics of hematopoietic progenitor cells, blood leukocytes, leukocyte precursor cells, macrophage-like cells, dendritic cells, or mesenchymal stem cells (claim 4): *mesenchymal stem cells* is elected.
- Between cells that express CD34, T-cell receptor, HLA Class II, CMRF-44, CMRF-56, DEC-205, S100, CD44, CD90, or CTLA-4 (claim 6): *CD90* is elected.
- Between a second cell population of the lineage of hepatocytes, neurons, oligodendrocytes, astrocytes, cardiomyocytes, or osteogenic cells (claim 7): *cardiomyocytes* is elected.

These elections are made *without traverse*.

Request for Rejoinder:

Upon determination that a claims generic to each these groups is allowable, applicant hereby requests rejoinder of all of the additional species into the group, as provided by 37 CFR § 1.141(a).

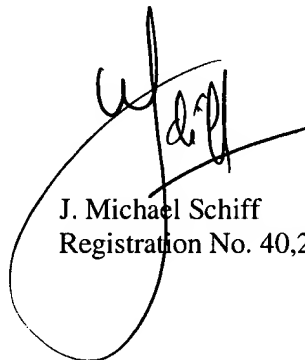
Conclusion

Applicants respectfully request that the application proceed to examination on the merits, in view of the amendments and remarks made herein.

In the event the Examiner determines that an interview would facilitate prosecution of this application, he is invited to contact applicant's representative at the telephone number indicated below.

Should the Patent Office determine that an extension of time or any other relief is required for further consideration of this application, applicant hereby petitions for such relief, and authorizes the Assistant Commissioner to charge the cost of such petitions and other fees due in connection with the filing of these papers to Deposit Account No. 07-1139, referencing the docket number indicated above.

Respectfully submitted,



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